

HB 2876

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# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997



# ENROLLED

HOUSE BILL No. 2876

Fantasia, Kuhn, H. White, Thompson,  
(By Delegates Heck, Willison and Given )



Passed April 12, 1997

In Effect Ninety Days From Passage

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STATE OF WEST VIRGINIA  
CHARLESTON, WEST VIRGINIA

**ENROLLED**  
**H. B. 2876**

(BY DELEGATES FANTASIA, KUHN, H. WHITE,  
THOMPSON, HECK, WILLISON AND GIVEN)

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[Passed April 12, 1997; in effect ninety days from passage.]

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AN ACT to amend and reenact section four, article eighteen, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to continuing the West Virginia state rail authority until the first day of July, two thousand.

*Be it enacted by the Legislature of West Virginia:*

That section four, article eighteen, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 18. WEST VIRGINIA STATE RAIL AUTHORITY.**

**§29-18-4. West Virginia state rail authority continued; organization of authority; appointment of members; term of office, compensation and expenses; director of authority; termination date.**

1 The West Virginia railroad maintenance authority,  
2 heretofore created, is hereby continued and redesignated  
3 the West Virginia state rail authority. References in this  
4 code to the West Virginia railroad maintenance authority  
5 shall be understood and taken to mean the West Virginia  
6 state rail authority. Nothing in this article is intended to  
7 invalidate any action or obligation of the West Virginia  
8 railroad maintenance authority undertaken prior to the

9 effective date of this article. The authority is a  
10 governmental instrumentality of the state and a body  
11 corporate. The exercise by the authority of the powers  
12 conferred by this article and the carrying out of its  
13 purposes and duties shall be deemed and held to be, and  
14 are hereby determined to be, essential governmental  
15 functions and for a public purpose.

16 The authority shall consist of seven members. The  
17 secretary of the department of transportation shall be a  
18 member ex officio. The other six members shall be  
19 appointed by the governor, by and with the advice and  
20 consent of the Senate, for a term of six years. Of the  
21 members of the authority first appointed, two shall be  
22 appointed for a term ending on the thirtieth day of June,  
23 one thousand nine hundred seventy-seven, two shall be  
24 appointed for a term ending two years thereafter and two  
25 shall be appointed for a term ending four years thereafter.  
26 A person appointed to fill a vacancy occurring prior to the  
27 expiration of the term for which his predecessor was  
28 appointed shall be appointed only for the remainder of  
29 such term. Each authority member shall serve until the  
30 appointment and qualification of his successor. No more  
31 than three of the appointed authority members shall at any  
32 one time belong to the same political party. Appointed  
33 authority members may be reappointed to serve additional  
34 terms.

35 All members of the authority shall be citizens of the  
36 state. Each appointed member of the board, before  
37 entering upon his duties, shall comply with the  
38 requirements of article one, chapter six of this code and  
39 give bond in the sum of twenty-five thousand dollars in  
40 the manner provided in article two, chapter six of this  
41 code. The governor may remove any authority member  
42 for cause as provided in article six, chapter six of this  
43 code.

44 Annually the authority shall elect one of its members  
45 as chairman and another as vice chairman, and shall  
46 appoint a secretary-treasurer, who need not be a member  
47 of the authority. Four members of the authority shall  
48 constitute a quorum and the affirmative vote of four

49 members shall be necessary for any action taken by vote  
50 of the authority. No vacancy in the membership of the  
51 authority shall impair the rights of a quorum by such vote  
52 to exercise all the rights and perform all the duties of the  
53 authority. The person appointed as secretary-treasurer,  
54 including an authority member if he is so appointed, shall  
55 give bond in the sum of fifty thousand dollars in the  
56 manner provided in article two, chapter six of this code.

57 The secretary of the department of transportation shall  
58 not receive any compensation for serving as an authority  
59 member. Each of the six appointed members of the  
60 authority shall receive the same compensation and  
61 expense reimbursement as is paid to members of the  
62 Legislature for their interim duties as recommended by  
63 the citizens legislative compensation commission and  
64 authorized by law for each day or substantial portion  
65 thereof engaged in the discharge of official duties. All  
66 such compensation and expenses incurred shall be  
67 payable solely from funds of the authority or from funds  
68 appropriated for such purpose by the Legislature and no  
69 liability or obligation shall be incurred by the authority  
70 beyond the extent to which moneys are available from  
71 funds of the authority or from such appropriations.

72 There shall also be a director of the authority  
73 appointed by the authority.

74 Pursuant to the provisions of article ten, chapter four  
75 of this code, the West Virginia state rail authority shall  
76 continue to exist until the first day of July, two thousand.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Kathy Spivack*  
Chairman Senate Committee

*Nick Fantasia*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Harriet Holmes*  
Clerk of the Senate

*Bugary in Gray*  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
President of the Senate

*P. K.*  
Speaker of the House of Delegates

The within *is approved* this the *18<sup>th</sup>*  
day of *May*, 1997.

*[Signature]*  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/28/97

Time 5:19 pm